

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RLI INSURANCE COMPANY/)
PLAINTIFF/COUNTERCLAIM)
DEFENDANT)

vs.)
TOWN OF MOSSES, ALABAMA, and)
ALICIA SHUFORD-GORDON,)
)
Defendants.)

Case No.: 2:07-cv-00230-WKW-SRW

**MOTION TO SHORTEN TIME TO RESPOND TO INTERROGATORIES AND REQUEST
FOR PRODUCTION**

COMES NOW the Plaintiff/Counterclaim Defendant, RLI Insurance Company, (hereinafter "RLI"), and submits the following Motion pursuant to Federal Rules of Civil Procedure 34(b). As ground therefore, the Plaintiff/Counter Defendant states as follows:

1. This case arises out of Declaratory Judgment Action filed by RLI Insurance Company to determine its rights and obligations under a surety bond which it wrote on behalf of Alicia Shuford-Gordon for her duties as the City Clerk in the Town of Mosses.

2. The Town of Mosses made a claim on this bond asserting that Ms. Shuford-Gordon breached her duty as City Clerk causing them a loss in excess of \$100,000.00. The Town of Mosses filed a Proof of Claim form with RLI Insurance Company on June 12, 2006. Subsequently, they have provided RLI Insurance Company with documentation which they allege proves their claim. The Town's allegations arise out of three separate occurrences: (1) The failure of the City to pay quarterly employee payroll taxes for a period of time; (2) a series of unpaid debts incurred by the City during the period of time in which Ms. Shuford-Gordon served as Town Clerk; (3) the cost of a tax consultant by the name of Charles Elam, who assisted the Town in negotiating the above-referenced tax problem with the IRS.

3. At the deposition of Mayor William Scott on October 1, 2007, the Mayor, and his representative counsel, expressed an interest in amending their claim stating that in addition to the previous claims submitted, they wish to add a claim stating that Ms. Shuford-Gordon overpaid her personal salary. However, to date, the Town nor its attorney has failed to amend its Proof of Claim Form or submit supporting documentation.

4. The undersigned counsel has written the attorney for the Town of Mosses on October 29, 2007, requesting this additional information. Said correspondence has gone unanswered. Said letter is attached as Exhibit A.

5. As a result, the Plaintiff/Counterclaim Defendant has filed certain Interrogatories and Request for Production asking the Town to please produce a monthly check register or any other documentation referencing the alleged overpayment of salary to Alicia Shuford-Gordon. This is discovery request number 6 in the Plaintiff/Counterclaim Defendant's December 7, 2007, Interrogatories and Request for Production, attached as Exhibit B.

6. The Dispositive Motion deadline in this case is set for January 8, 2008, and the Plaintiff/Counterclaim Defendant intends to file a Motion for Summary Judgment.

7. Given that a list payroll summary can be readily obtainable from the Town's accountant, the Plaintiff/Counterclaim Defendant, RLI Insurance Company asks this Court to shorten the response period from thirty (30) days as promulgated by Federal Rules of Civil Procedure 34(b) to fourteen (14) days so that the Plaintiff/Counterclaim Defendant will have an opportunity to consider the Defendant's additional surety claim by the Dispositive Motion deadline.

WHEREFORE, THE PREMISES CONSIDERED, the Plaintiff/Counterclaim Defendant prays this Honorable Court would reduce the response time for request 6 in its December 7th Interrogatories and Request for Production from thirty (30) days to fourteen (14) days.

/s/ Eris Bryan Paul
RICHARD A. BALL, JR. (BAL004)
ERIS BRYAN PAUL (PAU014)
Attorney for the Plaintiff/Counterclaim
Defendant

OF COUNSEL:

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Fax: (334) 387-3222

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2007, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

Collins Pettaway Jr.
Chestnut Sanders Sanders Pettaway & Campbell, L.L.C.
P. O. Box 1290
Selma , AL 36702-1290

/s/ Eris Bryan Paul
OF COUNSEL

BALL, BALL, MATTHEWS & NOVAK, P.A.

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October 29, 2007

VIA TELEFAX & U.S. MAIL

334.875.9853

Collins Pettaway, Esq.
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Selma, AL 36702

RE: RLI Insurance Company vs. Town of Mosses
Case No.: 2:07-cv-00230-WKW-SRW
United States District Court, M.D. Alabama, Northern Div.

Dear Collins:

It is my understanding when we left the deposition of Mayor Scott on October 1, 2007, that you were going to provide me documentation that would show irregularities in the payment of Ms. Shuford-Gordon's salary. This might also include but is not limited to the following: cash advances that were never repaid, payments that did not occur in two-week intervals and/or did not occur on the 1st and 15th of the month or even the 15th and last day of the month.

Like I indicated to you the day of the deposition, if such documentation exists this may help us push this case toward an early resolution. Please contact me at my office as soon as possible to discuss this. If this documentation does not exist, I feel that we may need to take Ms. Shuford-Gordon's deposition and move this case toward getting it ready for trial.

Should you have any questions or concerns regarding the above, please feel free to give me a call. I look forward to your response.

Very truly yours,

Eris Bryan Paul



EBP/as

cc: Everett Fritz
Hon. Richard A. Ball, Jr.
Alicia Shuford-Gordon

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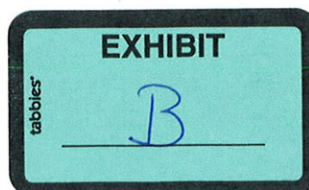
**PLAINTIFF/COUNTERCLAIM DEFENDANT'S FIRST INTERROGATORIES
AND REQUEST FOR PRODUCTION**

COMES NOW the Plaintiff/Counterclaim Defendant, RLI Insurance Company, and requests the Defendants/Counterclaim Plaintiffs to answer the following Interrogatories and Request for Production pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure:

1. Is there any additional documentation supporting the Town of Mosses' surety claim other than the documentation that has already been supplied? If such additional documentation exists, please provide a complete and accurate copy of the additional documentation.

2. Please produce for inspection the job description which is referenced on Page 42 of the deposition of Mayor William Scott. This is a job description for the position of Town Clerk.

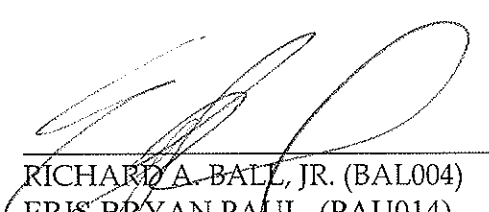
3. Please provide the relevant page of the transcript referenced in Pages 82 through Page 85 of Mayor William Scott's deposition wherein Alicia Shuford-Gordon admits to not including all relevant financial information on the Town's monthly financial statements.



4. Please produce for inspection all allegedly falsified monthly financial statements referenced in Pages 93 through 96 of the deposition of Mayor William Scott.

5. Please produce a monthly check register or any other documentation referencing the alleged overpayment of salary to Alicia Shuford-Gordon.

6. Please provide or produce all policies, procedures, generally-accepted accounting principles, rules and/or specific code sections which require a municipality to pay old debt before incurring new debt or paying salaried employees. These policies, procedures, generally-accepted accounting principles, rules and code sections were referenced by Mayor William Scott on Pages 71 through 75 in his October 1, 2007, deposition.



RICHARD A. BALL, JR. (BAL004)
ERIS BRYAN PAUL (PAU014)
Attorney for the Plaintiff/Counterclaim
Defendant

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the following counsel of record:

Collins Pettaway Jr.
Chestnut Sanders Sanders Pettaway & Campbell, L.L.C.
P. O. Box 1290
Selma , AL 36702-1290

Alicia Shuford-Gordon
124 Chisolm Street
Hayneville, Alabama 06040

by placing same in the U.S. mail postage prepaid on this the 6th day of December, 2007.



OF COUNSEL